

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE

|                  |   |                       |
|------------------|---|-----------------------|
| IN RE:           | ) |                       |
|                  | ) | Case No. 24-11967-JKS |
| BIG LOTS, et al. | ) |                       |
|                  | ) | Chapter 11            |
| Debtors.         | ) | Sub-Chapter V         |

**AMENDED OBJECTION OF JEWELL SQUARE, RLLP TO CURE AMOUNT**

Jewell Square, RLLP, by and through its counsel, Wadsworth Garber Warner Conrardy, PC, for its Amended Objection to Cure Amount respectfully states as follows:

1. Pursuant to the Debtors' Notice of Proposed Assumption and Assignment of Executory Contracts or Unexpired Leases and Cure Amount (Docket No. 683), the Debtors' proposed cure amount for the Jewell Square commercial real property lease (the "Lease") is \$16,773.77.<sup>1</sup>

2. On November 7, 2024, Jewell Square filed its Objection to Cure Amount (Docket No. 1039).

3. Jewell Square has recently completed its 2024 common area maintenance reconciliation.

4. Attached hereto as Exhibit A is Jewell Square's ledger, including the CAM reconciliation, for the Debtors' commercial real estate lease, which shows the correct cure amount is \$100,021.91.

5. Pursuant to Bankruptcy Code § 365(b)(1)(A), the Debtor cannot assume the Lease unless and until it cures or provides adequate assurance that it will promptly cure the Lease default.

6. Except for the correction of the cure amount and promptly curing the Lease default, Jewell Square does not object to the assumption of its lease.

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<sup>1</sup> The Debtor entity designated by the Debtors as the counter-party to the Jewell Square lease is Big Lots Stores – PNS, LLC.

WHEREFORE, Jewell Square respectfully requests the Court deny the assumption of its lease unless and until the Debtors' correct the cure amount and granting such other and further relief as this Court deems appropriate.

Dated: December 12, 2024

Respectfully submitted,

By: /s/ Aaron A. Garber

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### CERTIFICATE OF SERVICE

The undersigned certifies that on December 12, 2024, I served by ECF and e-mail a copy of the **AMENDED OBJECTION OF JEWELL SQUARE, RLLP TO CURE AMOUNT** on all parties against whom relief is sought and those otherwise entitled to service at the following addresses:

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Davis Polk & Wardwell LLP, 450 Lexington Avenue, New York, NY 10017, Attn: Brian M. Resnick, Esq., Adam L. Shpeen, Esq., Stephen D. Piraino, Esq., Jonah A. Peppiatt, Esq., and Ethan Stern, Esq. (notice.biglots@davispolk.com) and (z) Morris, Nichols, Arsht & Tunnell LLP, 1201 N. Market Street, 16th Floor, Wilmington, DE 19801, Attn: Robert J. Dehney, Sr., Esq., Andrew R. Remming, Esq., Daniel B. Butz, Esq., Tamara K. Mann, Esq., and Casey B. Sawyer, Esq. (biglots.mnat@morrisnichols.com), (2) counsel to the ABL Agent, (y) Choate, Hall & Stewart LLP, Two International Place, Boston, MA 02110, Attn: John F. Ventola, Esq. (jventola@choate.com), Jonathan D. Marshall, Esq. (jmarshall@choate.com) and (z) Blank Rome LLP, 1201 N. Market Street, Suite 800, Wilmington, DE 19801, Attn: Regina Stango Kelbon, Esq. (regina.kelbon@blankrome.com) and Stanley Tarr, Esq. (stanley.tarr@blankrome.com), (3) counsel to the Term Agent, (y) Otterbourg P.C., 230 Park Avenue, New York, NY 10169, Attn: Chad B. Simon, Esq. (CSimon@otterbourg.com), James V. Drew, Esq. (JDrew@otterbourg.com), and Sarah L. Hautzinger, Esq. ([shautzinger@otterbourg.com](mailto:shautzinger@otterbourg.com)) and (z) Richards, Layton & Finger, P.A., 920 N. King Street, Wilmington, DE 19801, Attn: John H. Knight, Esq. (knight@rlf.com), (4) proposed counsel to the Committee, (y) McDermott Will & Emery LLP, One Vanderbilt Avenue, New York, NY 10017, Attn: Darren Azman, Esq. (dazman@mwe.com) and Kristin G. Going, Esq. ([kgoing@mwe.com](mailto:kgoing@mwe.com)), and (z) Cole Schotz P.C., 500 Delaware Avenue, Suite 1410, Wilmington, DE 19801, Attn: Justin R. Alberto, Esq. (jalberto@coleschotz.com) and Stacy L. Newman, Esq. (snewman@coleschotz.com), (5) counsel to the Stalking Horse Bidder, Kirkland & Ellis LLP, 601 Lexington Avenue, New York, New York 10022, Attn: Christopher Marcus, P.C. (cmarcus@kirkland.com), Douglas A. Ryder, P.C. (douglas.ryder@kirkland.com), and Nicholas M. Adzima (nicholas.adzima@kirkland.com), and (6) the U.S. Trustee, Caleb Boggs Federal Building, 844 King Street, Suite 2207, Lockbox 35, Wilmington, Delaware 19801. Attn: Linda J. Casey (linda.casey@usdoj.gov)

/s/ Nichole Garber

For Wadsworth Garber Warner Conrardy P.C.

**EXHIBIT A**

**Tenant Ledger****Tenants:** Big Lots Inc.**Mobile:** (614) 278-3353**Unit:** 7777**Property:** Jewell Square - 7777, 7817-7893 W Jewell Ave. Lakewood, CO 80232**Status:** Current**Move in date:** 12/15/2021**Move out date:** --**Lease Expiration:** 01/31/2026**Rent:** 15,444.98**Deposit Paid:** 0.00

| Date       | Payer         | Description  | Charges   | Payments  | Balance          |
|------------|---------------|--|-----------|-----------|------------------|
|            |               |  |           |           | 0.00             |
|            |               |  |           |           | Starting Balance |
| 01/01/2022 |               | Rent Income - January 2022 - Rent Income   | 15,444.98 |           | 15,444.98        |
| 01/01/2022 |               | CAM Income - January 2022 - CAM  | 1,562.68  |           | 17,007.66        |
| 01/19/2022 | Big Lots Inc. | Payment (Reference #ACH) 01/2022 - rent  |           | 16,652.98 | 354.68           |
| 01/20/2022 |               | CAM Income - CAM Income Adjustment - tenant should be paying \$1208/month        | -354.68   |           | 0.00             |
| 01/26/2022 |               | CAM Admin - CAM Admin fee from January   | 141.03    |           | 141.03           |
| 01/31/2022 | Big Lots Inc. | Payment (Reference #ACH) 02/2022 - rent  |           | 16,652.98 | -16,511.95       |
| 02/01/2022 |               | Rent Income - February 2022 - Rent Income  | 15,444.98 |           | -1,066.97        |
| 02/01/2022 |               | CAM Income - February 2022 - CAM   | 1,208.00  |           | 141.03           |
| 02/01/2022 |               | CAM Admin - February 2022 - CAM Admin Fee  | 141.03    |           | 282.06           |
| 02/16/2022 |               | CAM Income - Big Lots 2021 Taxes PR Share  | 47,923.22 |           | 48,205.28        |
| 02/28/2022 | Big Lots Inc. | Payment (Reference #ACH) 03/2022 - rent  |           | 16,652.98 | 31,552.30        |
| 03/01/2022 |               | Rent Income - March 2022 - Rent Income   | 15,444.98 |           | 46,997.28        |
| 03/01/2022 |               | CAM Income - March 2022 - CAM  | 1,208.00  |           | 48,205.28        |
| 03/01/2022 |               | CAM Admin - March 2022 - CAM Admin Fee   | 141.03    |           | 48,346.31        |
| 03/28/2022 | Big Lots Inc. | Payment (Reference #ACH) 03  |           | 47,923.22 | 423.09           |
| 04/01/2022 |               | Rent Income - April 2022 - Rent Income   | 15,444.98 |           | 15,868.07        |
| 04/01/2022 |               | CAM Income - April 2022 - CAM  | 1,208.00  |           | 17,076.07        |
| 04/01/2022 |               | CAM Admin - April 2022 - CAM Admin Fee   | 141.03    |           | 17,217.10        |
| 04/04/2022 | Big Lots Inc. | Payment (Reference #ACH) 04/2022 - rent  |           | 16,652.98 | 564.12           |
| 05/01/2022 |               | Rent Income - May 2022 - Rent Income   | 15,444.98 |           | 16,009.10        |
| 05/01/2022 |               | CAM Income - May 2022 - CAM  | 1,208.00  |           | 17,217.10        |
| 05/01/2022 |               | CAM Admin - May 2022 - CAM Admin Fee   | 141.03    |           | 17,358.13        |
| 05/02/2022 | Big Lots Inc. | Payment (Reference #ACH) 05/2022 - rent  |           | 16,652.98 | 705.15           |
| 05/31/2022 | Big Lots Inc. | Payment (Reference #ACH) 05/2022 - rent  |           | 16,652.98 | -15,947.83       |
| 06/01/2022 |               | Rent Income - June 2022 - Rent Income  | 15,444.98 |           | -502.85          |
| 06/01/2022 |               | CAM Income - June 2022 - CAM   | 1,208.00  |           | 705.15           |
| 06/01/2022 |               | CAM Admin - June 2022 - CAM Admin Fee  | 141.03    |           | 846.18           |
| 06/27/2022 | Big Lots Inc. | Payment (Reference #ACH) 06/2022 - rent  |           | 16,652.98 | -15,806.80       |
| 07/01/2022 |               | Rent Income - July 2022 - Rent Income  | 15,444.98 |           | -361.82          |
| 07/01/2022 |               | CAM Income - July 2022 - CAM   | 1,208.00  |           | 846.18           |
| 07/01/2022 |               | CAM Admin - July 2022 - CAM Admin Fee  | 141.03    |           | 987.21           |
| 07/27/2022 |               | CAM Admin - Incorrect charge since 1/2022- admin fee is included in admin income | -987.21   |           | 0.00             |
| 08/01/2022 |               | Rent Income - August 2022 - Rent Income  | 15,444.98 |           | 15,444.98        |

**Tenant Ledger**

| Date       | Payer         | Description   | Charges   | Payments  | Balance    |
|------------|---------------|---|-----------|-----------|------------|
| 08/01/2022 |               | CAM Income - August 2022 - CAM  | 1,208.00  |           | 16,652.98  |
| 08/01/2022 | Big Lots Inc. | Payment (Reference #ACH) 08/2022 - rent   |           | 16,652.98 | 0.00       |
| 08/29/2022 | Big Lots Inc. | Payment (Reference #ACH) 09/2022 - rent   |           | 16,652.98 | -16,652.98 |
| 09/01/2022 |               | Rent Income - September 2022 - Rent Income  | 15,444.98 |           | -1,208.00  |
| 09/01/2022 |               | CAM Income - September 2022 - CAM   | 1,208.00  |           | 0.00       |
| 09/26/2022 | Big Lots Inc. | Payment (Reference #ACH) 10/2022 - rent   |           | 16,652.98 | -16,652.98 |
| 10/01/2022 |               | Rent Income - October 2022 - Rent Income  | 15,444.98 |           | -1,208.00  |
| 10/01/2022 |               | CAM Income - October 2022 - CAM   | 1,208.00  |           | 0.00       |
| 10/31/2022 | Big Lots Inc. | Payment (Reference #ACH) 11/2022 - rent   |           | 16,652.98 | -16,652.98 |
| 11/01/2022 |               | Rent Income - November 2022 - Rent Income   | 15,444.98 |           | -1,208.00  |
| 11/01/2022 |               | CAM Income - November 2022 - CAM  | 1,208.00  |           | 0.00       |
| 11/28/2022 | Big Lots Inc. | Payment (Reference #ACH) 12/2022 - rent   |           | 16,652.98 | -16,652.98 |
| 12/01/2022 |               | Rent Income - December 2022 - Rent Income   | 15,444.98 |           | -1,208.00  |
| 12/01/2022 |               | CAM Income - December 2022 - CAM  | 1,208.00  |           | 0.00       |
| 12/27/2022 | Big Lots Inc. | Payment (Reference #ACH) 12/2022 - rent   |           | 16,652.98 | -16,652.98 |
| 01/01/2023 |               | Rent Income - January 2023 - Rent Income  | 15,444.98 |           | -1,208.00  |
| 01/01/2023 |               | CAM Income - January 2023 - CAM   | 1,208.00  |           | 0.00       |
| 01/30/2023 | Big Lots Inc. | Payment (Reference #ACH) 02/2023 - rent   |           | 16,652.98 | -16,652.98 |
| 02/01/2023 |               | Rent Income - February 2023 - Rent Income   | 15,444.98 |           | -1,208.00  |
| 02/01/2023 |               | CAM Income - February 2023 - CAM  | 1,208.00  |           | 0.00       |
| 02/27/2023 | Big Lots Inc. | Payment (Reference #ACH) 03/2023 - rent   |           | 16,652.98 | -16,652.98 |
| 03/01/2023 |               | Rent Income - March 2023 - Rent Income  | 15,444.98 |           | -1,208.00  |
| 03/01/2023 |               | CAM Income - March 2023 - CAM   | 1,208.00  |           | 0.00       |
| 03/27/2023 | Big Lots Inc. | Payment (Reference #ACH) 04/2022 - rent   |           | 16,652.98 | -16,652.98 |
| 04/01/2023 |               | Rent Income - April 2023 - Rent Income  | 15,444.98 |           | -1,208.00  |
| 04/01/2023 |               | CAM Income - April 2023 - CAM   | 1,208.00  |           | 0.00       |
| 05/01/2023 |               | Rent Income - May 2023 - Rent Income  | 15,444.98 |           | 15,444.98  |
| 05/01/2023 |               | CAM Income - May 2023 - CAM   | 1,208.00  |           | 16,652.98  |
| 05/01/2023 | Big Lots Inc. | Payment (Reference #ACH) 05/2022 - rent   |           | 16,652.98 | 0.00       |
| 05/30/2023 | Big Lots Inc. | Payment (Reference #ACH) 06/2022 - rent   |           | 16,652.98 | -16,652.98 |
| 06/01/2023 |               | Rent Income - June 2023 - Rent Income   | 15,444.98 |           | -1,208.00  |
| 06/01/2023 |               | CAM Income - June 2023 - CAM  | 1,208.00  |           | 0.00       |
| 06/05/2023 |               | Additional CAM Income - 2022 Tax Reimbursement                                      | 61,021.07 |           | 61,021.07  |
| 06/21/2023 |               | CAM Income - - updated 2023 CAM (see attachments for documentation)                 | 1,328.79  |           | 62,349.86  |
| 06/26/2023 | Big Lots Inc. | Payment (Reference #Put this amount to the oldest invoice open Additional CAM 2022) |           | 16,652.98 | 45,696.88  |
| 07/01/2023 |               | Rent Income - July 2023 - Rent Income   | 15,444.98 |           | 61,141.86  |
| 07/31/2023 | Big Lots Inc. | Payment Big Lots  |           | 72,848.35 | -11,706.49 |
| 08/01/2023 |               | Rent Income - August 2023 - Rent Income   | 15,444.98 |           | 3,738.49   |
| 08/01/2023 |               | CAM Income - August 2023  | 1,328.79  |           | 5,067.28   |
| 08/28/2023 | Big Lots Inc. | Payment (Reference #ACH) September Rent   |           | 16,713.37 | -11,646.09 |
| 09/01/2023 |               | Rent Income - September 2023 - Rent Income  | 15,444.98 |           | 3,798.89   |
| 09/01/2023 |               | CAM Income - September 2023   | 1,328.79  |           | 5,127.68   |
| 09/25/2023 | Big Lots Inc. | Payment   |           | 16,713.37 | -11,585.69 |
| 10/01/2023 |               | Rent Income - October 2023 - Rent Income  | 15,444.98 |           | 3,859.29   |
| 10/01/2023 |               | CAM Income - October 2023   | 1,328.79  |           | 5,188.08   |

**Tenant Ledger**

| Date       | Payer         | Description   | Charges   | Payments  | Balance    |
|------------|---------------|---|-----------|-----------|------------|
| 10/30/2023 | Big Lots Inc. | Payment (Reference #ACH) November Rent  |           | 16,713.37 | -11,525.29 |
| 11/01/2023 |               | Rent Income - November 2023 - Rent Income   | 15,444.98 |           | 3,919.69   |
| 11/01/2023 |               | CAM Income - November 2023  | 1,328.79  |           | 5,248.48   |
| 11/27/2023 | Big Lots Inc. | Payment (Reference #ACH) Big Lots - December rent & August partial CAM                  |           | 16,713.33 | -11,464.85 |
| 12/01/2023 |               | Rent Income - December 2023 - Rent Income   | 15,444.98 |           | 3,980.13   |
| 12/01/2023 |               | CAM Income - December 2023  | 1,328.79  |           | 5,308.92   |
| 12/26/2023 | Big Lots Inc. | Payment (Reference #ACH) Big Lots - 08,09,10,11,12 CAM + 01/24 partial rent             |           | 16,773.77 | -11,464.85 |
| 01/01/2024 |               | Rent Income - January 2024 - Rent Income  | 15,444.98 |           | 3,980.13   |
| 01/01/2024 |               | CAM Income - January 2024   | 1,328.79  |           | 5,308.92   |
| 02/01/2024 |               | Rent Income - February 2024 - Rent Income   | 15,444.98 |           | 20,753.90  |
| 02/01/2024 |               | CAM Income - February 2024  | 1,328.79  |           | 22,082.69  |
| 02/05/2024 | Big Lots Inc. | Payment (Reference #ACH) Big Lots - January 2024 rent & CAM, February 2024 partial rent |           | 16,773.77 | 5,308.92   |
| 03/01/2024 |               | Rent Income - March 2024 - Rent Income  | 15,444.98 |           | 20,753.90  |
| 03/01/2024 |               | CAM Income - March 2024   | 1,328.79  |           | 22,082.69  |
| 03/04/2024 | Big Lots Inc. | Payment (Reference #ACH) Big Lots - February rent & CAM, March partial rent             |           | 16,773.77 | 5,308.92   |
| 04/01/2024 |               | CAM Income - Overcharge for CAM of \$60.39 - CAM charge should have been \$1268.39      | -603.99   |           | 4,704.93   |
| 04/01/2024 |               | Rent Income - April 2024 - Rent Income  | 15,444.98 |           | 20,149.91  |
| 04/01/2024 |               | CAM Income - April 2024   | 1,328.79  |           | 21,478.70  |
| 04/04/2024 | Big Lots Inc. | Payment (Reference #ACH) Big Lots - March rent & CAM, April partial rent                |           | 16,773.77 | 4,704.93   |
| 04/25/2024 |               | Additional CAM Income - 2023 CAM Reconciliation Balance Due                             | 18,308.47 |           | 23,013.40  |
| 05/01/2024 |               | Rent Income - May 2024 - Rent Income  | 15,444.98 |           | 38,458.38  |
| 05/01/2024 |               | CAM Income - May 2024   | 3,284.08  |           | 41,742.46  |
| 05/06/2024 | Big Lots Inc. | Payment (Reference #ACH) Big Lots - April CAM & May partial rent                        |           | 16,773.77 | 24,968.69  |
| 05/20/2024 | Big Lots Inc. | Payment (Reference #ACH) May 2024 Rent & partial 2023 CAM Reconciliation                |           | 9,184.70  | 15,783.99  |
| 06/01/2024 |               | Rent Income - June 2024 - Rent Income   | 15,444.98 |           | 31,228.97  |
| 06/01/2024 |               | CAM Income - June 2024  | 3,284.08  |           | 34,513.05  |
| 06/03/2024 | Big Lots Inc. | Payment (Reference #ACH) Big Lots   |           | 16,773.77 | 17,739.28  |
| 07/01/2024 |               | Rent Income - July 2024 - Rent Income   | 15,444.98 |           | 33,184.26  |
| 07/01/2024 |               | CAM Income - July 2024  | 3,284.08  |           | 36,468.34  |
| 07/05/2024 | Big Lots Inc. | Payment (Reference #ACH) Big Lots   |           | 16,773.77 | 19,694.57  |
| 08/01/2024 |               | Rent Income - August 2024 - Rent Income   | 15,444.98 |           | 35,139.55  |
| 08/01/2024 |               | CAM Income - August 2024  | 3,284.08  |           | 38,423.63  |
| 08/05/2024 | Big Lots Inc. | Payment (Reference #ACH) Big Lots   |           | 16,773.77 | 21,649.86  |
| 09/01/2024 |               | Rent Income - September 2024 - Rent Income  | 15,444.98 |           | 37,094.84  |
| 09/01/2024 |               | CAM Income - September 2024   | 3,284.08  |           | 40,378.92  |
| 10/01/2024 |               | Rent Income - October 2024 - Rent Income  | 15,444.98 |           | 55,823.90  |
| 10/01/2024 |               | CAM Income - October 2024   | 3,284.08  |           | 59,107.98  |
| 10/02/2024 | Big Lots Inc. | Payment Big Lots  |           | 16,773.77 | 42,334.21  |
| 11/01/2024 |               | Rent Income - November 2024 - Rent Income   | 15,444.98 |           | 57,779.19  |
| 11/01/2024 |               | CAM Income - November 2024  | 3,284.08  |           | 61,063.27  |
| 11/05/2024 | Big Lots Inc. | Payment Big Lots  |           | 16,773.77 | 44,289.50  |

**Tenant Ledger**

| Date         | Payer         | Description  | Charges   | Payments  | Balance           |
|--------------|---------------|--|-----------|-----------|-------------------|
| 12/01/2024   |               | Rent Income - December 2024 - Rent Income                                    | 15,444.98 |           | 59,734.48         |
| 12/01/2024   |               | CAM Income - December 2024   | 3,284.08  |           | 63,018.56         |
| 12/03/2024   |               | CAM Income - 2023 CAM Reconciliation Adjustment - overcharge on snow removal | -9,848.53 |           | 53,170.03         |
| 12/03/2024   |               | CAM Income - 2024 CAM Reconciliation   | -7,981.64 |           | 45,188.39         |
| 12/03/2024   |               | Additional CAM Income - 2023 Tax Reimbursement                               | 71,607.29 |           | 116,795.68        |
| 12/04/2024   | Big Lots Inc. | Payment (Reference #ACH) Big Lots  |           | 16,773.77 | 100,021.91        |
| <b>Total</b> |               |  |           |           | <b>100,021.91</b> |